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NOTICE OF ALLOWANCE AND FEE(S) DUE

207

7590

04/04/2008

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

EXAMINER

NGUYEN, TRINH T

ART UNIT

PAPER NUMBER

3644

DATE MAILED: 04/04/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,070	03/22/2004	Johannes Theodorus Maria Slingerland	VER-180XX	1513

TITLE OF INVENTION: FLOWER BOX ASSEMBLY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$720	\$300	\$0	\$1020	07/07/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

207 7590 04/04/2008

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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10/806,070	03/22/2004	Johannes Theodorus Maria Slingerland	VER-180XX	1513
TITLE OF INVENTION: FLOWER BOX ASSEMBLY				

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nonprovisional	YES	\$720	\$300	\$0	\$1020	07/07/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, TRINH T	3644	047-039000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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			ART UNIT	PAPER NUMBER

3644

DATE MAILED: 04/04/2008

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/806,070

Examiner

Trinh T. Nguyen

Applicant(s)

SLINGERLAND ET AL.

Art Unit

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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE dated 1/15/08.
2. ☒ The allowed claim(s) is/are 1-6,12,15,17-19,21-37,42 and 43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Trinh T Nguyen/
Primary Examiner, Art Unit 3644

EXAMINER'S AMENDMENT

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Kennedy on 3/26/08.

The application has been amended as follows:

2. **Claims 1-6,12,15,17-19,21-37, and 42-44 are allowed. Claims 23-26, and 31-37, which are previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and allowed as well. Claims 38 and 40 have been cancelled.**

In claim 1 (Currently Amended):

Lines 2-20, "one or more containers having a top rim, a closed bottom...releasably secure relationship" has been deleted and replaced with --one or more containers having a top opening, a first circumferential projection arranged along a perimeter of the top opening and defining a first region size, a first engagement portion located near the top opening, a closed bottom opposing the top opening and a plurality of closed sidewalls adjoining the bottom, the bottom and sidewalls being configured to be able to hold water; a first support frame having a hollow tube shape with at least one sidewall and a first end having a first end opening and a second end opposing the first end having a second end opening and a second engagement portion located near the

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first end opening; a second circumferential projection arranged along a perimeter of the first end opening and defining a second region size being smaller than the first region size such that the bottom and sidewalls of the container can pass through the first end opening and the first circumferential projection is prevented from passing through the first end opening by the second circumferential projection; and the first and second engagement portions being cooperative to form an assembled together releasable relationship between the first support frame near the first end opening and the container near the top opening, such that the container and the first support frame can be detachably assembled together in the releasable relationship--.

In claim 2 (Currently Amended):

Lines 3-25, "a second support frame having a hollow tube shape with at...the first and second releasably secure relationships" has been deleted and replaced with --a second support frame having a hollow tube shape with at least one sidewall and a first end having a first end opening and a second end opposing the first end having a second end opening and a third engagement portion located near the first end opening thereof; a third circumferential projection arranged along a perimeter of the first end opening of the second support frame and defining a third region size being smaller than the first region size such that the bottom and sidewalls of the container can pass through the first end opening of the second support frame and the first circumferential projection is prevented from passing through the first end opening of the second support frame by the third circumferential projection; the first and third engagement portions being cooperative to form an assembled together second releasable relationship

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between the second support frame and the container when the container and the second support frame are assembled together, such that the container and the second support frame can be detachably assembled in the second releasable relationship; the flower box assembly being arranged with the first end opening of the first support frame adjacent the first end opening of the second support frame and the first, second and third engagement portions of the container and the first and second support frames, respectively, cooperating in the first and second releasable relationships --.

In claim 19 (Currently Amended):

Line 3, --first and second-- has been inserted before "engagement portions are".

In claim 23 (Withdrawn):

Lines 3-14, "the inner box is coupled with the first inner box holder with...upper side of the first inner box holder" has been deleted and replaced with -- the first circumferential projection extends at an angle at least in part in a horizontal direction adjacent an upper edge of at least one sidewall of the container, which first circumferential projection is provided with at least one first projection which engages the second circumferential projection adjacent the first end opening of the first support frame; and the at least one first projection includes a wall part extending throughout the circumference of the container from the first circumferential projection in a downward direction--.

In claim 24 (Withdrawn):

Lines 3-14, "the sidewalls of the inner box...upper side of the first inner box holder" has been deleted and replaced with -- the sidewalls of the container, viewed

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from the top opening, taper slightly towards each other in the direction of the bottom, such that the container is nestable within another; in the at least one sidewall of the first support frame, at least one light passage opening is included; the first circumferential projection extends at an angle at least in part in a horizontal direction adjacent an upper edge of at least one sidewall of the container, which first circumferential projection is provided with at least one first projection which engages the second circumferential projection adjacent the first end opening of the first support frame--.

In claim 25 (Withdrawn):

Lines 3-15, "the inner box is coupled with the first...engagement for stable stacking" has been deleted and replaced with -- the first circumferential projection extends at an angle at least in part in a horizontal direction adjacent an upper edge of at least one sidewall of the container, which first circumferential projection is provided with at least one first projection which engages the second circumferential projection adjacent the first end opening of the first support frame; the projection comprises a wall part extending throughout the circumference of the container, from the first circumferential projection in a direction toward the container bottom; and the second end opening of the first support frame is designed such that two first support frames placed onto each other with abutting second end openings form a cooperative engagement for stable stacking--.

In claim 26 (Withdrawn):

Line 1, "claim 12" has been amended to --claim 37--;

Lines 3-21, "the lower edge of the first and second inner box...rectangular cross section" has been deleted and replaced with -- the respective second end openings of the two first support frames are provided with at least one toothed provision to stack the two first support frames onto each other by the abutting respective second end openings in a stable manner; the container and the two first support frames have a substantially rectangular cross section--.

In claim 27 (Currently Amended):

Lines 2-35, "18, wherein...different relative orientations" has been deleted and replaced with --18, wherein: the first and second engagement portions are cooperative to form a releasably secure relationship with a particular engaging force, which engaging force is greater than a weight of the first support frame, and the flower box assembly further comprises: a second support frame having a similar shape as the first support frame with a first end having a first end opening and a second end having a second end opening and having a third engagement portion near the first end opening of the second support frame, the third engagement portion being cooperative with the first engagement portion of the container to form an assembled together second releasable relationship between the third engagement portion and the first engagement portion when the container and the second support frame are assembled in the first or second relative position, and wherein each of the first and second end openings of the first support frame respectively match the first and second end openings of the second support frame to permit the first and second support frames of different flower box assemblies to be stackable with each other in different relative orientations --.

In claim 28 (Currently Amended):

Lines 3-14, "the container and the first support frame...container" has been deleted and replaced with --the container and the first support frame are assembled with the bottom and sidewalls of the container being passed through the first end opening to extend substantially within the first support frame and the first and second engagement portions cooperate to form the assembled together releasable relationship; and the second engaging portion on the first support frame further comprising the second circumferential projection which engages the first engaging portion on the container--.

In claim 29 (Currently Amended):

Lines 2-8, "a circumferential projection on...support frame" has been deleted and replaced with -- the first circumferential projection being configured to engage an edge of the second support frame when the bottom and sidewalls of the container pass through the first end opening of the second support frame to extend substantially within the second support frame--.

In claim 30 (Currently Amended):

Line 7, "the rim" has been amended to --the top opening--.

In claim 31 (Withdrawn):

Line 2-8, "wherein the inner box...the first inner box holder" has been deleted and replaced with --wherein the container further comprises the first circumferential projection extending at an angle at least in part in a horizontal direction, which is connected with the container adjacent an upper edge of at least one sidewall of the container, which first circumferential projection is provided with at least one first

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projection which engages the second engagement portion near the first end opening of the first support frame--.

In claim 32 (Withdrawn):

Line 2-4, "wherein the projection...in downward direction" has been deleted and replaced with --wherein the at least one first projection comprises a wall part extending throughout the circumference of the container, from the first circumferential projection in downward direction--.

In claim 33 (Withdrawn):

Line 2-3, "wherein the projection...inner box holder" has been deleted and replaced with --wherein the at least one first projection engages a first recess near the first end opening of the first support frame--.

In claim 34 (Withdrawn):

Line 2-3, "wherein the first recess...inner box holder" has been deleted and replaced with --wherein the first recess extends throughout the circumference of the first support frame--.

In claim 35 (Withdrawn):

Line 2-8, "wherein the circumferential wall...inner box holder" has been deleted and replaced with --wherein the first circumferential projection is provided with at least a one second projection which extends in an upward direction from the first circumferential projection and which is situated opposite the at least one first projection and whose configuration is such that it is receivable in said first recess of a second

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support frame placed in an inverted position onto the assembly of the container and the first support frame--.

In claim 36 (Withdrawn):

Line 2-8, "wherein the lower edge...inner wall part" has been deleted and replaced with --wherein the respective second end openings of the two first support frames are defined by two substantially parallel extending sidewall parts, comprising an inner wall part and an outer wall part, while over a first part of the circumference of the two first support frames the inner wall part projects further down than the outer wall part, and over a second part of the circumference the outer wall part projects further down than the inner wall part--.

In claim 37 (Withdrawn):

Line 2-6, "wherein the first part...inner box holder" has been deleted and replaced with --wherein the first part and the second part of the circumference are complementary, such that, with the two first support frames placed onto each other by the respective second end openings, the first circumference part of one first support frame abuts against the second circumference part of another first support frame--.

In claim 42 (Currently Amended):

Lines 5-14, "a container holder having...holder" has been deleted and replaced with --a container holder having a first open end and a second open end opposed to the first open end with a sidewall between the first open end and the second open end, the first open end having an engagement structure being cooperative with the fastener component to detachably position the container and the container holder as assembled

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together in a first orientation in which the closed end and sidewall of the container extend substantially within the container holder such that the sidewalls of the container and of the container holder are adjacent, the engagement structure being further cooperative with the fastener component to detachably position the container and the container holder as assembled together in a second orientation in which the closed end and sidewall of the container extend substantially outside of the container holder such that the sidewalls of the container and of the container holder are non-adjacent--.

Conclusion

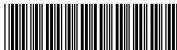
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh T. Nguyen whose telephone number is (571) 272-6906. The examiner can normally be reached on M-F (9:30 A.M to 6:00 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on (571) 272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Trinh T Nguyen/
Primary Examiner, Art Unit 3644
3/30/08

Application Number**Application/Control No.**

10/806,070

**Applicant(s)/Patent under
Reexamination**

SLINGERLAND ET AL.

Examiner

Trinh T. Nguyen

Art Unit

3644